

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARK SCOTT RICE,

8:10CV114

Plaintiff,

V.

MEMORANDUM AND ORDER

SODEXHO MANAGEMENT, Inc.,

Defendant.

This matter is before the court on Plaintiff’s Motion to Dismiss, which the court liberally construes as a Motion for Voluntary Dismissal, filed pursuant to [Federal Rule of Civil Procedure 41](#). (Filing No. [6](#).) In his Motion, Plaintiff states that he is “requesting a motion to dismiss due to the fact [he] can not obtain legal representation.” (*Id.*) Defendant has not yet been served with summons, and the court finds that voluntary dismissal is warranted under the circumstances.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Withdraw and Dismiss Case, construed as a Motion for Voluntary Dismissal, (filing no. [6](#)) is granted. Plaintiff's claims are dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 20th day of April, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge